



CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service in an envelope as "EXPRESS MAIL POST OFFICE TO ADDRESSEE" service under 37 C.F.R.1.10, Mailing Label No. EV336028026US and is addressed to the: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Date: September 26, 2003

W. Liddell, Jr.
Wilburn Liddell, Jr.

PATENT
876635-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: DEBEER et al.

Serial No.: 10/052,758

Filed: January 18, 2002

Title: METHOD AND APPARATUS FOR
CLOSING SEPTAL DEFECTS

Art Unit: 3738

Examiner: Thomas C. Barrett

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
OCT 02 2003
TECHNOLOGY CENTER R3700

Sir:

In response to the Office Action dated August 27, 2003, which required restriction of the application pursuant to 35 U.S.C. § 121, Applicants respectfully elect without traverse Species I, sub-species ii, sub-sub-species a. Claims 1, 2, 5, 7, 10, 11, 12, 15, 17, 20, and 23 are readable on the elected species, sub-species, and sub-sub-species. Accordingly, an examination on the merits of the elected claims is respectfully requested.

Serial No. 10/052,758
September 26, 2003
Page 2

While the Applicants believe that no fees are due in connection with the filing of this paper, the Commissioner is authorized to charge any shortage in the fees, including extension of time fees, to Deposit Account No. 50-0639.

Respectfully submitted,



Date: September 26, 2003

Brian M. Berliner
Attorney for Applicants
Registration No. 34,549

O'MELVENY & MYERS LLP
400 South Hope Street
Los Angeles, CA 90071-2899
Telephone: (213) 430-6000